

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 10-CV-80231-RYSKAMP/WHITE

JOHN EDWARD GORDON,

Petitioner,

v.

UNITED STATES OF
AMERICA,

Respondent.

ORDER ADOPTING REPORT AND CLOSING CASE

THIS CAUSE comes before the Court on the report [DE15] of United States Magistrate Judge Patrick A. White entered on November 2, 2010. Petitioner John Edward Gordon filed his objections [DE 16] on November 30, 2010. This matter is ripe for adjudication.

Pending before Judge White was Mr. Gordon's motion to vacate pursuant to 28 U.S.C. § 2255 [DE 1] entered on February 11, 2010 and Mr. Gordon's motion to stay [DE 14] entered on October 19, 2010. In his report, Judge White recommends that the motion to vacate be dismissed as time-barred, and alternatively, be denied on the merits. Judge White also recommends that the Court deny Mr. Gordon's motion to stay.

The Court has conducted a *de novo* review of the report, objections, applicable law, and pertinent portions of the record. The Court finds the report to be well-reasoned and correct and the objections to be meritless. Accordingly, it is hereby

ORDERED AND ADJUDGED that

- (1) The report of United States Magistrate Judge Patrick A. White [DE 15] be,
and the same hereby is **RATIFIED, AFFIRMED** and **APPROVED** in its
entirety;
- (2) Petitioner John Edward Gordon's motion to stay [DE 14] is **DENIED**;
- (3) Petitioner John Edward Gordon's motion to vacate pursuant to 28 U.S.C. § 2255 [DE
1] is **DISMISSED** as time-barred and, alternatively, **DENIED** on the merits;
- (4) The Clerk of Court is directed to **CLOSE THIS CASE**; and
- (5) Any pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 27 day of December,
2010.

/s/ Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE